THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.17373 and 18261 of 2005

Date: 3-10-2005

W.P.No.17373 of 2005 :

T.K. Kodandaram

… Petitioner.

And

The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad and others.

… Respondents.

W.P.No.18261 of 2005 :

T.K. Shailaja and another.

… Petitioners.

And

The Commissioner,

Municipal Corporation of Hyderabad,

Hyderabad and others.

… Respondents.

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION Nos.17373 and 18261 of 2005

COMMON ORDER:

The petitioner in W.P. No.17373 of 2005 is the father of the petitioners in W.P.No.18261 of 2005. In both the writ petitions, they pray for a declaration that the action of the Municipal Corporation of Hyderabad (MCH) in not taking any action against the builder, who made construction in deviation of the sanctioned plan, vide Permit No.154/66, dated 09.5.2001 as illegal and arbitrary. The petitioners in both the writ petitions made representations to the Commissioner, MCH requesting to initiate action against the builder. Be it also noted that the petitioners in W.P. No.18261 of 2005 are allegedly owners of House No.10-2-91/87 on plot No.87, admeasuring 600 Sq. yards in respect of which they entered into a development agreement with M/s.Sai Mitra Homes, a partnership firm. There was a civil suit filed by the petitioners in W.P.No.18261 of 2005 against MCH in O.S.No.510 of 2002 on the file of the Court of III Senior Civil Judge, City Civil Court at Secunderabad for permanent injunction restraining the MCH from interfering with the construction activity. The said suit was withdrawn. Presumably, for this reason, the representations made by or on behalf of the petitioners on 26.7.2004 and 04.11.2004 were not considered.

When the matter was taken up, it was brought to the notice of this Court that the MCH is considering the representations. Today, when the matter is again called, the learned Standing Counsel for MCH has placed before this Court a letter No.25/UC/W10/TP/SD/MCH/2001-05, dated 30.8.2005 issued by the Commissioner, MCH informing the petitioners that the representations made by them are not *bona fide* and therefore, no further action need be taken. A copy of the letter is also taken by Sri V.Kiran Kumar, learned Counsel for the petitioners. If so advised, the petitioners are given liberty to challenge the decision of MCH. It is not necessary to go into various other contentions raised in these writ petitions.

The writ petitions, subject to above observations, are accordingly dismissed. No costs.

_____

(**V.V.S.RAO,J**)

October 03, 2005.

YS